IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIRST DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 1862 of 2005

Between:

Basavalinga Reddy, s/o Sathi Reddy,
R/o Ballary, Karnataka State.

..... PETITIONER

AND

1 Commissioner, Prohibition & Excise, A.P. at Hyderabad.
2 Deputy Commissioner, Prohibition & Excise, Anantapur.
3 Prohibition & Excise Inspector, Rayadurg, Anantapur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus declaring the action of the Respondents in registering Crime No. Cr.No. 145/2001-2002 , seizing the stock ie., 17 Cartons ie., 288 bottles of liquor and refusal to release the stock as illegal and consequently direct the Respondents to release the said stock to the Petitioner and to pass necessary order or orders

Counsel for the Petitioner: MR.VENUGOPALA RAO PASNOORU

Counsel for the Respondents: GP FOR PROHIBITION & EXCISE

The Court made the following :

ORAL ORDER:

Heard both sides. Perused the material placed before me.

The petitioner, admittedly, is a border crosser along with a load of whisky bottles in a lorry. The stock was seized by the competent authority, and in spite of representation, the same was not released. Hence the petitioner filed the present petition seeking a direction to the respondents for release of the stock in question.

The learned counsel for the petitioner contents that the offence is a compoundable offence and hence there is no justifiable reason for the respondents in not releasing the stocks though the vehicle was already released.

It is not in dispute that crossing border through permit cannot transgress the frontiers of the state where only the stocks can be disposed of. However, there is an efficacious remedy available for the petitioner to approach the competent authority by making an application.

Therefore, the writ petition is disposed of with a direction to the petitioner to approach the competent authority with an appropriate application for release of

the stock in question. If such an application, if any, being made by the petitioner in that regard, the respondents shall consider the request of the petitioner and pass appropriate orders by following due process of law as expeditiously as possible.

Accordingly, the writ petition is disposed of at the stage of admission. No costs.

01-03-2005

Note:

Issue CC by Two days

B/O

Kvsn

To

1 Commissioner, Prohibition & Excise, A.P. at Hyderabad.
2 Deputy Commissioner, Prohibition & Excise, Anantapur.
3 Prohibition & Excise Inspector, Rayadurg, Anantapur District.

4 Two copies to The GP for Excise, HIGH COURT OF AP, Hyderabad.

5 Two CD copies.